

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

- 1) (currently amended) A composition comprising:
 - a) from ~~about~~ 0.001% to ~~about~~ 5 % of a zinc-containing layered material ~~selected from the group consisting of wherein the zinc-containing layered material is an impurity containing~~ basic zinc carbonate, ~~zinc carbonate hydroxide, hydrozincite, zinc copper carbonate hydroxide, aurichalcite, copper zinc carbonate hydroxide, rosasite, phyllosilicate containing zinc ions, layered double hydroxide, hydroxy double salts and mixtures thereof,~~
 - b) from ~~about~~ 10 % to ~~about~~ 50% of a surfactant including a surfactant with an anionic functional group;
 - c) from ~~about~~ 0.01% to ~~about~~ 5% of a pyrithione or a polyvalent metal salt of a pyrithione;
wherein the ~~zinc containing layered material~~ ~~impurity containing basic zinc carbonate~~ has a relative zinc lability of greater than ~~about~~ 15% and further wherein the ratio of surfactant to ~~zinc containing layered material~~ ~~impurity containing basic zinc carbonate~~ is greater than or equal to 2 to 1.
- 2) (canceled)
- 3) (previously presented) A composition according to Claim 1 wherein the pyrithione or polyvalent metal salt of pyrithione is zinc pyrithione.

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- 4) (canceled)
- 5) (canceled)
- 6) (canceled)
- 7) (previously presented) A composition according to Claim 1 wherein the surfactant is selected from the group consisting of anionic, cationic, nonionic, amphoteric or zwitterionic.
- 8) (original) A composition according to Claim 7 wherein the surfactant is anionic.
- 9) (currently amended) A composition according to Claim 1 wherein the pH is greater than ~~about~~ 6.5.
- 10) (currently amended) A composition according to Claim 9 wherein the pH is from ~~about~~ 6.8 to ~~about~~ 9.5
- 11) (currently amended) A composition according to Claim 10 wherein the pH is from ~~about~~ 6.8 to ~~about~~ 8.5.
- 12) (currently amended) A composition according to Claim 1 wherein the ~~zinc-containing material~~ impurity containing basic zinc carbonate has a relative zinc lability of greater than 20%.
- 13) (currently amended) A composition according to Claim 1 wherein the ~~zinc-containing material~~ impurity containing basic zinc carbonate has a relative zinc lability of greater than 25%.

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- 14) (canceled)
- 15) (canceled)
- 16) (canceled)
- 17) (canceled)
- 18) (original) A composition according to Claim 1 wherein the composition further comprises a cationic deposition polymer.
- 19) (original) A composition according to Claim 1 wherein the composition further comprises a conditioning agent.
- 20) (original) A composition according to Claim 1 wherein the composition further comprises a suspending agent.
- 21) (original) A composition according to Claim 20 wherein the suspending agent is selected from the group consisting of crystalline suspending agent, polymeric suspending agent or mixtures thereof.
- 22) (original) A composition according to Claim 21 wherein the suspending agent is a crystalline suspending agent.
- 23) (currently amended) A method of treating microbial infections comprising the use of the composition of Claim 1 comprising the steps of: (a) wetting hair or skin with water; (b) applying an effective amount of the composition of Claim 1 to the hair or skin; (c) rinsing the composition of Claim 1 from the hair or skin using water; and d) repeating steps a, b, and c as needed.
- 24) (currently amended) A method of treating fungal infections comprising the use of the composition of Claim 1 comprising the steps of: (a) wetting hair or skin with water; (b) applying

an effective amount of the composition of Claim 1 to the hair or skin; (c) rinsing the composition of Claim 1 from the hair or skin using water; and d) repeating steps a, b, and c as needed.

25) (currently amended) A method of treating dandruff comprising the use of the composition of Claim 1 comprising the steps of: (a) wetting hair or skin with water; (b) applying an effective amount of the composition of Claim 1 to the hair or skin; (c) rinsing the composition of Claim 1 from the hair or skin using water; and d) repeating steps a, b, and c as needed.

26) (canceled)

27) (currently amended) A composition comprising:

- a) from ~~about~~ 0.1% to ~~about~~ 5 % of a zinc-containing layered material wherein the zinc-containing layered material is an impurity containing basic zinc carbonate;
- b) from ~~about~~ 10 % to ~~about~~ 50% of a surfactant including a surfactant with an anionic functional group;
- c) from ~~about~~ 0.1% to ~~about~~ 2% of a pyrithione or a polyvalent metal salt of a pyrithione wherein the pyrithione or polyvalent metal salt of pyrithione is zinc pyrithione;

wherein the ~~zinc-containing layered material~~ impurity containing basic zinc carbonate has a relative zinc lability of greater than ~~about~~ 15% and further wherein the ratio of surfactant to ~~zinc-containing layered material~~ impurity containing basic zinc carbonate is greater than or equal to 2 to 1.